

**REMARKS**

Claims 2-6 are all the claims pending in the application. Claims 2 and 4 are rejected. Claim 3 is allowed. The Examiner indicates that claims 5 and 6 are objected to but would be allowable if placed into independent form. No claims are amended or cancelled in this amendment.

As a preliminary matter, Applicant notes that the Examiner has identified new prior art that has caused the Examiner to withdraw the indication of allowability of certain claims and to reject such claims over the combination of previous and new prior art. The result is the present non-final rejection. Nonetheless, Applicants respectfully submit that there is a solid basis for allowance of all of the remaining claims without amendment.

***Priority Claim***

In particular, Applicant notes that the newly cited patent to Ohkawa (6,755,546) has a U.S. filing date of July 30, 2001. Applicant also notes that the U.S. filing date of the present application (and thus the Section 371 (c) date for purposes of Section 102(e) rejections) is September 28, 2001, only two months after the filing date of Ohkawa. This would have led the Examiner to consider the Ohkawa reference to be available under 35 U.S.C. § 102(e).

Applicant also notes that the present application is a National Stage application that derives and takes priority from a PCT application filed on March 28, 2000, well before the U.S. filing date of Ohkawa. Since the international application is considered a U.S. domestic application (see MPEP 1893.03), this date is secured without reference to any other priority claim.

Further, it should be noted that the PCT application itself takes priority from two Japanese applications filed in 1999. The record in the present application does not indicate any acknowledgment by the Examiner of the Applicant's claim to priority or even the receipt of the priority documents from the International Bureau. Applicants respectfully request the Examiner to acknowledge receipt of the documents and the claim to priority. In support thereof, Applicants enclose a copy of "NOTIFICATION CONCERNING SUBMISSION OR

Amendment under 37 C.F.R. § 1.111  
Application No. 09/937,664

TRANSMITTAL OF PRIORITY DOCUMENT issued by the International Bureau. It is clear from this NOTIFICATION that the priority documents had been sent to the International Bureau.

In sum, the Filing Receipt provided by the USPTO in the present application expressly states a domestic priority claim based upon the PCT application and a foreign priority claim based upon the two Japanese applications. At least on the basis of the PCT application date, which is earlier than the date of Ohkawa, all of the rejections should be overcome.

***Claim Rejections -103***

**Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkawa (6,755,546) in view of Iwai (JP 05-203948).** Applicant should respectfully traverse this rejection for at least the following reasons.

Ohkawa should be removed as a reference in view of the Applicant's earlier U.S. filing date, based on the earlier filed PCT application and Japanese priority applications. Thus, this rejection should be overcome.

**Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkawa (6,755,546) in view of Matsushita (JP 07218912).** Applicants respectfully traverses this rejection for the following reasons.

Ohkawa should be removed as a reference in view of the Applicant's earlier U.S. filing date, based on the earlier filed PCT application and Japanese priority applications. Thus, this rejection should be overcome.

***Allowable Subject Matter***

The Examiner finds claim 3 to be allowable and indicates that claims 5 and 6 would be allowable if rewritten in independent form. Applicant respectfully notes that claim 6 already is in independent form and should have been allowed, just as claim 3. As to claim 5, it is unnecessary to place the claim into independent form as its parent claim 4 clearly is allowable on the basis of the foregoing argument.

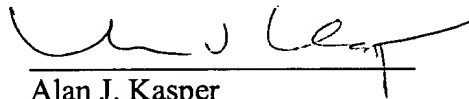
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 25, 2005



## PATENT COOPERATION TREATY



PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

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Date of mailing (day/month/year) 25 May 2000 (25.05.00)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 98-00679wo1	
International application No. PCT/JP00/01900	
International publication date (day/month/year) Not yet published	
Applicant ROHM CO., LTD et al	International filing date (day/month/year) 28 March 2000 (28.03.00)  Priority date (day/month/year) 29 March 1999 (29.03.99)

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
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<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
29 Marc 1999 (29.03.99)	11/86342	JP	19 May 2000 (19.05.00)
29 Marc 1999 (29.03.99)	11/86405	JP	19 May 2000 (19.05.00)

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